

Exhibit 11

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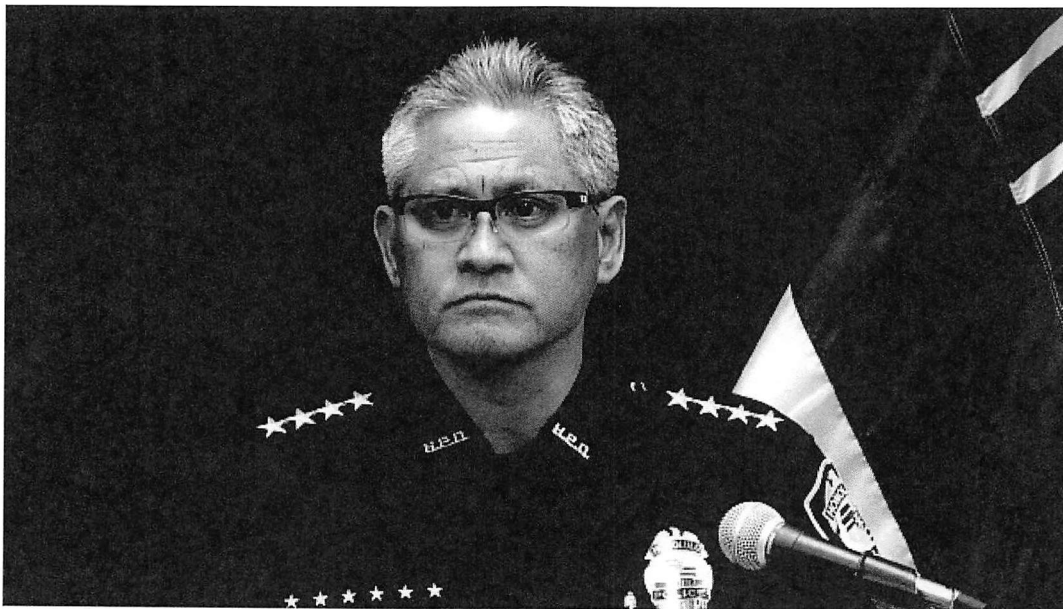


City council questions potential payout, terms of police chief's retirement



By [Gina Mangieri \(http://khon2.com/author/khonginamangieri/\)](http://khon2.com/author/khonginamangieri/)

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Members of the Honolulu City Council think they should get a say on whether or not Police Chief Louis Kealoha walks away from the post with a payout.

His five-year term isn't up until 2019, but the police commission says he's agreed to retire after receiving a letter from the feds letting him know that he's the target of an investigation.

Sources say part of that agreement involves getting under \$500,000, an amount close to the rest of his salary through that 2019 term.

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The city council is asking the Honolulu Police Commission if that deal is the right one. Some say the initial terms are modest compared to some other high-profile splits, while others say the city shouldn't have to pay anything extra at all.

Either way, the public won't have a say until after the ink is dry.

"This is not Wall Street and no one's talking about a golden parachute worth millions and millions of dollars. That's ludicrous to suggest that," said Kealoha's attorney, Myles Breiner. "In some respects, it's no different than when the coach left the University of Hawaii, and they're replacing a coach in mid-contract."

The police commission and Kealoha are staying mum, until at least the commission's meeting on Jan. 18, when a final version is expected to be made public.

On Tuesday, the council pressed the commission chairman and staff for more details.

"We asked a lot of questions. We asked, 'Was there a threat of a lawsuit against the city if the chief was fired?' and they weren't able to comment on that," said councilwoman Kymberly Pine. "We asked if there was a payout instead of a retirement, and they couldn't comment on that."

Pine also questions a buyout before the federal investigation is complete.

"I think it's important that we let due process occur and for him to turn in his badge and everything, I thought that was sufficient while we go through the legal process, because now we're making a decision and we could be giving a huge payout when we don't even have to," she said.

One commissioner voted against making any payout. The commission could initiate a for-cause termination and get out for no extra pay, but a legal tangle could prove more costly. The no-cause basis for removal that voters just approved likely doesn't apply to the current term of this chief.

The commission confirmed to the council that the final deal is expected next week with the commission and the chief as the deciders, not the council.

"I think what's even more disturbing is that the police commission is going to go ahead and meet privately and make a decision on the police chief's fate, payout, or retirement, without the public being able to comment on that final decision," Pine said.

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"Certainly whatever their results are will be made public and will then be subject to any scrutiny they're receive by the media as well as by the department," Breiner said.

Some on the council are still hoping to weigh in.

"There were requests by councilmembers today to have an executive session before the police chief meets," Pine said. "A lot of settlements, if this is a settlement, is approved by the city council, so this would be very unique and unusual according to what I'm used to seeing."

Always Investigating asked Pine, if they're classifying it simply as a human resources exercise however, do those usually come before the council?

"Not necessarily. That's why this is a gray area and we really didn't get a lot of information today," Pine replied. "They couldn't comment on a lot of issues and it was very clear that the police commission is worried about a lot of legal issues that could be connected to this case."

Always Investigating asked Breiner, are there legal consequences and liabilities for either side should this deal not come to fruition as it currently stands?

"My sense is the commission wants to move forward. The Kealohas want to move forward. Everyone wants to move forward and proceed to have a more stable environment at HPD, so I can't imagine this matter not being resolved amicably between the chief and the police commission," he said.

The chief's been with the force for 33 years and earned his full pension. He has not been charged or indicted; and even if public employees are convicted of crimes, pensions are rarely yanked.

The draft deal also lets the chief leave in "good standing," which boosts certain benefit calculations.



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